THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19580 of 1997

DATED : 01.02.2007

Between:

Achanta Basaramma W/o Achanta Naganna @ Chanti

…. **PETITIONER**

And:

The District Collector, East Godavari District,
Kakinada and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19580 of 1997

ORDER:

This writ petition is filed seeking a mandamus declaring the action of respondents 2 to 4 in interfering with the peaceful possession and enjoyment of the petitioner in respect of an extent of Ac.0.92 cents of land in Sy.No.410/2 situated at Gadala Village, Korukonda Mandal, East Godavari District as arbitrary and illegal.

It is the case of the petitioner that she purchased an extent of Ac.0.92 cents of land out of Acs.1.40 cents in the said survey number from one Achanta Venkanna under a registered sale deed dated 29.05.1968 and her husband purchased the remaining extent of Ac.0.48 cents. Since the date of purchase, the petitioner and her husband have been in possession and enjoyment of the said land. While so, the second respondent issued a show cause notice under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977, to the husband of the petitioner calling upon him to submit

explanation as to why he shall not be evicted from the said land, for which the petitioner offered explanation. When the respondent-authorities with their subordinates threatened to evict the petitioner from the said land, she filed W.P.No.22934 of 1996, and the same was disposed of directing respondents 1 and 2 herein to follow due process of law. Pursuant to the said direction, the second respondent issued notice dated 30.11.1996 to the petitioner asking her to produce the record relating to an extent of Ac.0.92 cents of land in the said survey number, upon which the petitioner submitted a reply on 23.12.1996. Her grievance is that, without passing any final orders pursuant to the notice dated 30.11.1996, the respondent-authorities are trying to evict her from the said land. Hence, this writ petition.

Counter is filed on behalf of the respondents stating that the land in question along with other lands was acquired for providing house sites to the weaker sections of the society and the petitioner also gave her consent for the same. Accordingly, the lands were acquired in 1976 and compensation was also deposited in the Court. Though the petitioner consented for the acquisition, and though the land was acquired in the year 1976, the petitioner did not vacate the land. Therefore, she is an encroacher as the rights in the said land vests in the Government after it is acquired. Hence, they sought to dismiss the writ petition.

Heard the learned counsel for both the parties.

While issuing rule nisi on 20.08.1997, this Court directed the respondents not to dispossess the petitioner from the land in question until passing of final orders pursuant to the notice dated 30.11.1996.

Having regard to the said fact, this writ petition is disposed of directing the respondents not to dispossess the petitioners from the land in question without passing any final orders pursuant to the show

cause notice dated 30.11.1996. There shall be no order as to costs.

01.02.2007

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